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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RAILROAD INSURANCE UNDERWRITERS,  <div style="text-align: right;">Plaintiff,</div>  <div style="text-align: center;">v.</div>  CERTAIN UNDERWRITERS AT LLOYD'S LONDON, EXCESS INSURANCE COMPANY LIMITED and HARPER INSURANCE LIMITED,  <div style="text-align: right;">Defendants.</div>
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Civil Action No. 07-cv-3071 (LLS) (RLE)  
Hon. Louis L. Stanton, U.S.D.J.

**NOTICE OF MOTION FOR AN ORDER  
DISMISSING THE LITIGATION AND  
COMPELLING ARBITRATION**

**ORAL ARGUMENT  
REQUESTED**

[Electronically Filed April 19, 2007]

**PLEASE TAKE NOTICE** that defendants Excess Insurance Company Limited (“Excess”) and Harper Insurance Limited (“Harper”), by and through their attorneys, Riker, Danzig, Scherer, Hyland & Perretti LLP, upon the annexed Certification of Brian E. O'Donnell dated April 19, 2007 and the accompanying Memorandum of Law, and upon all prior pleadings and proceedings had herein, hereby move this Court pursuant to 9 U.S.C. §§ 3, 4 and 206 for an Order dismissing the captioned action and compelling plaintiff Railroad Insurance Underwriters to proceed to arbitration of its claims against defendants herein.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is also submitted herewith.

**PLEASE TAKE FURTHER NOTICE** that Excess and Harper request oral argument if timely opposition to this motion is received.

Dated: April 19, 2007

By: \_\_\_\_\_/s/  
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